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May 4, 2017

By ECF

The Hon. Nicholas G. Garaufis  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

***Re: United States v. Bryant Neal Vinas,  
08 Cr. 823 (NGG)***

Dear Judge Garaufis:

We represent Defendant Bryant Neal Vinas in the in the above-reference matter and write in response to this Court's Order, dated, April 28, 2017 (Doc. No. 58), directing the parties to respond to non-party John Riley's request for the unsealing of: (1) "materials submitted along with" the Government's April 3, 2017, letter to the Court; and (2) the "sealed letter" referenced on page 8 of the Defendant's April 20, 2017, letter.

With respect to the "materials submitted along with" the Government's letter to the Court (i.e., Mr. Vinas's military records), we object to the release of Mr. Vinas's medical and psychological records as well as any information prohibited from public disclosure under the Privacy Act of 1974, 5 U.S.C. § 552a, and Rule 49.1 of the Federal Rules of Criminal Procedure. We have no objection to any other aspect of those files.

For the Court's convenience, the defense will file under seal a proposed, redacted, copy of the Mr. Vinas's military records. I have spoken to Assistant United States Attorney David Kessler and he has informed me that the Government does not object to our proposed redactions.

With respect to the "sealed letter" referenced on page 8 of the Defendant's letter, we have no objection to disclosure, provided that doing so would not violate the Classified Information Procedures Act, 18 U.S.C. Art. 3. We note that the "sealed letter" referenced in Defendant's April 8, 2017, letter was filed pursuant to the protocols established for the handling of classified material. The letter discusses information that is classified and as such the letter is deemed presumptively classified until its classification can be determined by the appropriate authorities. We have requested that portions of that letter be publicly released, and it is our understanding that the letter is presently being reviewed and its classification level or declassification under

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consideration. If it is determined that the letter contains information that can be released in whole or in part, we will not oppose – indeed, we join the request for its public release.

Respectfully submitted,

/S/

Michael K. Bachrach

Steve Zissou

*Attorneys for Bryant Neal Vinas*

cc: All parties of record (by ECF)